



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Ecology AO Number 08-12

Subject of possible rule making:

Management of Exempt Ground Water Wells In Kittitas County, Chapter 173-539A

Statutes authorizing the agency to adopt rules on this subject: : RCW 90.54.050 and Chapter 43.27A RCW

Reasons why rules on this subject may be needed and what they might accomplish: Ecology adopted an Emergency Rule that will establish a partial withdrawal of ground water within a portion of WRIA 39 in Kittitas County, WA for the purpose of implementing a Memorandum of Agreement (MOA) entered into with Kittitas County on April 7, 2008. While the Emergency rule is in place rulemaking will move forward on the adoption of a permanent rule.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

N/A

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study

☒ Other (describe) This rulemaking will implement the exempt well management measures identified in the MOA with Kittitas County. The MOA specifies the partial withdrawal and restrictions designed to minimize the potential for a new use of water that negatively affect flows in the Yakima River and its tributaries and does this in a way that minimizes effects on economic development.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Web site will be updated to include information on the draft rule. Distribution lists of interested parties will be contacted via e-mails, listservs and postal mailings as needed. A news release will be issued and newspaper ads will be placed as the formal process begins that will include the comment period date.

DATE

7/2/08

NAME (TYPE OR PRINT)

Ken Slattery

SIGNATURE

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TITLE

Program Manager

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